REMARKS

The Amendments

The claims are amended to address the claim objections and 35 U.S.C. §112 rejections. The amendments do not narrow the scope of the claims and/or were not made for reasons related to patentability. The amendments should not be interpreted as acquiescence to any objection or rejection made in this application.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Claim Objections

The claims are amended in the manner suggested in the Office action to address the objections thereto. Thus, the objections should be withdrawn.

The Rejection under 35 U.S.C. §112, second paragraph

The claims are amended to address the rejections under 35 U.S.C. §112, second paragraph. The recitations giving rise to the rejection are removed or clarified. As to the point of rejection recited in the second to last paragraph of page 4, the claims themselves clearly define what "all the applicable steps" are. For example, claim 11 recites that the apparatus performs all the applicable steps "presented in claim 9, both as receiver and sender device." The other claims using this term also define specifically what steps are being referred to. Applicants submit that the meaning would be clear to one of ordinary skill in the art reading the claims. Applicants further submit that (as amended) the meaning of claims 14-18 would be clear to one of ordinary skill in the art and they should be examined. For one of ordinary skill in the art reading the disclosure as a whole, the meaning and metes and bounds of the claims are sufficiently clear. The claims need only be reasonably ascertainable by one of ordinary skill in the art to satisfy 35 U.S.C. §112, second paragraph; see, e.g., Ex parte Porter, 25 USPQ2d 1144, 1146 (Bd. Pat. App. & Int. 1992). Thus, the rejection should be withdrawn.

The Rejection under 35 U.S.C. §103

The rejection of claims 1-3, 9-12 and 20-24 under 35 U.S.C. §103, as being obvious over Ho (U.S. Patent No. 5,805,298) in view of Naylor (U.S. Patent No. 6,625,642), is respectfully traversed.

Ho in Figure 1 discloses components that could be considered to be a sender application [box 100] comprising a processing means attached to a modem connected via the PSTN [box 106] to a second modem attached to a second processing means [boxes 107 to 112]. The Ho apparatus requires routing of e-mail communications via the Internet [box 112].

Ho fails to disclose a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." Compare the quoted recitation in claim 1; see also page 1, lines 9-11, of applicants' specification. Ho fails to disclose or suggest a method or system whereby a sender can send email to a receiver exclusively along a PSTN without routing via the Internet. To the contrary, Ho absolutely requires the Internet [box 112] to perform email communication between two devices or users [box 100, box 104, box 105]; see, e.g., Fig. 1. See also, col. 3, lines 43-47 and 61-63, of Ho stating that a "Router typically transmits and receives electronic mail messages" and that "Remote Mail Servers, seen at 110-111, each implement electronic mail boxes of the type seen at 104-105 to receive electronic mail messages." In describing the functioning of the device, Ho states that upon identifying an email address "the communications device establishes a SLIP/PPP connection with the Router 107." As shown in Fig. 1, the Router and Remote Mail Servers are entities connected to the Internet. Figure 3 of Ho further shows that an email [box 304] is sent via the Internet [box 312]. The Office action states that Ho "fails to specifically teach" performing its connection without need of the internet. To the extent this implies that Ho fails to teach one way or the other whether the internet is needed, this would be a clear mischaracterization of the reference teachings. Ho unequivocally requires the internet for its connection.

Ho fails to teach a method for establishing e-mail communication without the need of being connected to the Internet. Ho only discloses that facsimiles – not email – can be sent directly through the PSTN. It is quite clear that Ho requires the use of the Internet to transmit e-

mail messages between devices. Thus, Ho neither discloses nor suggests the method of the present invention, where the message is not sent over the internet, but is sent point-to-point through the PSTN.

Ho also gives no suggestion of modifying its methods/system to provide email communication exclusively between two users or devices using the PSTN without need of the Internet. As known by one of ordinary skill in the art, transmission via the Internet is inherently insecure because data is not routed directly between the sender and the recipient. It is known that data sent through the Internet can be intercepted and recorded by servers in countries which do not maintain relevant privacy laws. The present invention offers a secure method of sending email, the advantages of which could not have been expected in view of Ho. Other advantages of the claimed invention are discussed, for example, at page 6, line 18, to page 7, line 9, and elsewhere in the disclosure. There is no incentive to arrive at the present invention from Ho or reason apparent from the record to modify the Ho method to arrive at applicants' invention. Ho fails to give any hint to direct PSTN emailing and no solution to the problem of providing transmission of data between two parties without need of the internet. To the contrary, Ho specifically requires use of the Internet for its method. Thus, modifying the Ho method to eliminate Internet use for its connection would be directly contrary to Ho's teachings.

Naylor is alleged to disclose the idea of providing e-mail communication over the PSTN without the need of being connected to the Internet; citing Abstract and col. 1, lines 8-16; and col. 2, lines 1-6. By comparing the disclosure as a whole, for example, the citations at col. 1, lines 8-16; and col. 2, lines 1-6, to the Abstract, it is clear that the Abstract misstates the invention described. The disclosure in Naylor clearly requires the internet for email communication but does not require an internet connection "on site." The Abstract obviously omits the last two words "on site." But it is unquestionable that Naylor does not describe a method for e-mail communication without the internet. As in Ho, Naylor only describes the ability to send fax communications directly by the PSTN and requires the internet for an e-mail communication. This is most clearly shown by Fig. 1. A fax can be sent solely by PSTN connection from fax to server to Fax 1, Fax 2 or Fax n. But for communication to an Electronic Mailbox, i.e., an e-mail (see elements 108), it is necessary to send the communication through a

Router (element 100) and via the Internet (element 200). It is not necessary that the internet connection be on-site but it is necessary that the e-mail be sent through the internet to get to the receiver. See also, col. 3, lines 49-60, describing the use of a server for identifying whether the communication is a fax, in which case it can be sent as a normal fax by PSTN, or is an e-mail, in which case it must be tagged and encoded for the usual e-mail transmission, which requires the internet. See further col. 7, lines 4-14.

There is no suggestion from Naylor that there is a direct PPP connection through the PSTN between sender and receiver for sending an e-mail. Naylor is directed merely to a method and device wherein a communication intended as an e-mail is first sent via a fax machine to a server and then, if identified as an e-mail, sent via the internet in the normal way of sending an e-mail. Thus, Naylor's disclosure is very similar to Ho and provides no disclosure or suggestion of "establishing e-mail communication between a sender device and a receiver device which both have access to the Public Switched Telephone Network, without the need of being connected to the Internet" or "establishing a data link, and point-to-point (PPP) connection between the sender and receiver devices."

Accordingly, applicants urge that Naylor fails to address the established deficiencies of Ho to teach or suggest the claimed invention. Naylor, like Ho, provides no suggestion of a method/system for email communication between sender and receiver devices using the PSTN without need of the Internet.

The combined teachings of Ho and Naylor provide no suggestion of modifying the methods/systems taught therein so as to provide email communication exclusively between two users or devices using the PSTN without need of the Internet. As discussed above, transmission via the internet is inherently insecure because data is not routed directly between the sender and the recipient. There is no incentive provided by the references or any other reasons of record for one of ordinary skill in the art to arrive at the present invention or achieve the advantages thereof in view of Ho and Naylor. The references give no hint to direct PSTN emailing and no solution to the problem of providing secure transmission of data between two parties. To the contrary, both references make very clear that the internet is necessary for an e-mail communication by their methods.

For all of the above reasons, it is urged that the combined teachings of the Ho and Naylor references fail to provide a supportable basis for an obviousness rejection of the current claims. Thus, the rejection under 35 U.S.C. §103 should be withdrawn.

The following further reasons apply for withdrawal of the rejection of claims 3 and 22. The combined teachings of Ho and Naylor fail to teach or suggest a method further comprising the step of retrieving the telephone number of the receiver device from a database. The Office action points to col. 6, lines 58-60, and col. 7, lines 6-17, of Ho as supporting such a step. However, the disclosure of Ho here merely relates to identifying an incoming signal as being a telephone number and, as a result, processing it for a fax transmission. There is no suggestion of retrieving a number from a database. This teaching in Ho further points out the distinction of applicants' invention as a whole. Ho teaches that, when the incoming signal is identified to be a telephone number, it is processed as a fax not an email. Thus, Ho further makes clear that it provides no teaching regarding sending and receiving emails via a telephone network. For these further reasons, the rejection of claims 3 and 22 under 35 U.S.C. §103 should be withdrawn.

The following further reasons apply for withdrawal of the rejection of claims 9-12 and 23-24. The combined teachings of Ho and Naylor fail to teach or suggest a method further comprising establishing communication from a central host device to sender and receiver devices at remote locations, all with access to the Public Switched Telephone Network (PSTN), without the need of being connected to the Internet. Ho and Naylor teach nothing regarding use of a central host device for establishing the sender/received connection without use of the internet. The Office action fails to address the central host device aspect of the invention in any way. For this additional reason, the rejection of claims 9-12 and 23-24 under 35 U.S.C. §103 should be withdrawn.

The following further reasons apply for withdrawal of the rejection of claims 14-18 on appeal. The combined teachings of Ho and Naylor fail to teach or suggest a method further comprising use of a telemail device to transfer an instruction to an addressed appliance through the system control unit, and the main network, to an appliance control unit. Ho and Naylor teach nothing regarding use of a telemail device or a method including providing instructions to an appliance control unit. The Office action fails to address these aspects of the invention in any

way. For this additional reasons, the rejection of claims 14-18 under 35 U.S.C. §103 should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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